

Delaware Tribe of Indians Proposed Draft Master Plan Delaware Judgment Funds

Introduction

The Delaware Tribe of Indians sets forth this plan to provide the implementation and administration of the Delaware Tribal Judgment Funds.

The plan will be administered by the Delaware Tribe of Indians under the supervision of the Delaware Tribe of Indians Judgment Funds Oversight Commission (hereafter referred to as “Commission”).

I. The Purpose of the Plan

The overall purpose of the plan is:

1. Safeguard the assets of the Delaware Tribe of Indians and members;
2. To establish the rules and regulations to govern the administration of the Plan and;
3. To ensure that every eligible Delaware Tribe of Indians Tribal member has an opportunity to benefit from the use of the Tribal assets and investments.

The plan will identify general administrative guidelines to ensure effective delivery of services to the Delaware people.

II. Background

The Trust Board of the Delaware Tribe of Indians was implemented in 1990 due to demand from the Federal Government to release the Tribe’s trust funds when the Tribe was not recognized. The U.S. Secretary of the Interior conducted an election in 2009 and recognized the results approving the Constitution of the Delaware Tribe of Indians as the Governing Document of the Delaware Tribe. In 2011, the members of the Tribe voted to keep the money in the fund protected in secure interest bearing accounts. The judgment funds formerly under Federal Government control are now under control of the Tribe. The plan does not require approval by the Secretary of the Department of Interior.

III. Methodology

1. The principal of the Judgment funds will remain in secure interest bearing accounts.
2. All annual interest accumulated during the Tribe’s fiscal year shall be transferred to the management of the Commission with supervision of the plan by the Commission.

3. All money under the supervision of the Commission shall be audited in the Delaware Tribe of Indians annual audit by an independent certified audit firm.
4. Only registered members of the Delaware Tribe of Indians are eligible to apply for tribal services and programs presented in this plan.
5. Payments and services shall be made according to committee guidelines. Guidelines require approval of the Tribal Council and overseen by the Commission.
6. All funds allocated to a program within this plan not properly dispersed at the conclusion of the Tribe's fiscal year shall rollover to the program's next fiscal year budget for proper disbursement.
7. The Commission may recommend to the Tribal Council a drawdown of the principal that is reasonable and necessary provided:
 - a) The withdrawal shall not exceed twenty percent (20%) of the total Fund.
 - b) The withdrawal shall not reduce the principal below a value of less than \$3.0 Million. Any drawdown of the principal resulting in less than \$3.0 million will require approval by referendum vote of the Delaware Tribe voting membership.
 - c) There shall be no more than one withdrawal from the principal of Delaware Tribe of Indians Judgment Fund during the Tribe's fiscal year.
 - d) Subject to approval by the Tribal Council.

Comment: What should the minimum percentage be? Should this be in here at all?

IV. Formation and Implementation of the Commission

The Tribe's current Trust Board will be replaced by the Commission. The Commissioners currently serving on the Trust Board may serve by appointment of the Tribal Council:

1. Provided they are not also Tribal Council Members;
2. Tribal Council Members will not be permitted to serve as Commissioners, however, are eligible to chair and/or serve on individual committees;
3. The committee chairs will be appointed by the Tribal Council. Community Services, Education, Land Management and Cultural Preservation Committees shall remain in place, Commissioners shall not serve as Committee Chairs, or be appointed to other Boards such as DEA;
4. The Commissioners who would be up for Trust Board election in 2013 will serve until the end of their elected term. The Commissioners who would be up for Trust Board election in 2015 will serve until the end of their elected term;
5. The Commission shall consist of five (5) commissioners, all of whom must be registered voters within the Delaware Tribe of Indians. The Tribal Council shall appoint the Chair of the Commission and the Commissioners shall choose a Vice-Chair and Secretary;
6. The Commission shall meet quarterly, or more often as necessary to review the implementation of the Plan;
7. All meetings of the Commission shall be public. The Commission shall have the privilege of executive session. A vote on any subject will take place in an open meeting;

8. Any action of the Commission shall require a quorum of at least 3 voting Commissioners;
9. The Chair of the Commission shall call and conduct all regular and special meetings of the Commission. The Chair may vote in Commission votes;
10. The Vice-Chair, in absence of the Chair, shall perform the duties of the Chair, assuming all duties, privileges and responsibilities of the Chair;
11. The Secretary of the Commission shall correctly record and maintain all proceedings of the meetings of the said Authority and shall provide copies of all reports, including findings, conclusions, and recommendations, to the Delaware Tribal Council;
12. The committees shall have authority for approval of up to \$800 per check request; and
13. Check vouchers shall be approved by the committee chairs and signed by the Tribal Council check signers.

V. Distribution Plan

The Program Plan Distribution of the annual interest of the Judgment Funds shall be as follows:

1. Community Services 25%
 - a) Elder Committee 15% of Community Service Budget
2. Economic Development 10%
3. Education 20%
 - a) Veteran Committee 15% of Education Budget
4. Tribal Operations 15%
5. Reinvestment 10%
6. Land Management 10%
7. Cultural Preservation 10%

VI. Plan of Operation

The Delaware Tribe of Indians shall be responsible for administrative support in the implementation of this Plan. The Delaware Tribal Council shall appoint the Chair of the following committees: Community Services, Education, Land Management, and Cultural Preservation. There shall be no committee for Economic Development, Tribal Operations, and Reinvestment. The Committees shall establish program guidelines and rules and present to the Tribal Council for adoption. Committee membership shall be by appointment of the Committee Chair.

1. Community Services 25%

The purpose of the Delaware Tribe of Indians Community Services Programs is to promote the general welfare and well being for the members of the Delaware Tribe of Indians through support services and assistance.

The services program will assist members with financial assistance. The services will be flexible and include all age groups. Eligibility shall be determined by the Community Services committee and approved by the Commission.

2. Economic Development 10%

Program monies shall be for the purpose of economic development.

3. Education 20%

All educational programs shall be available to all qualified registered Delaware students regardless of geographical location and designed to meet their educational goals. The Education Committee shall oversee the implementation of programs. Changes to programs may be recommended by the Committee and once approved by the Commission, submitted to the Tribal Council for final approval.

4. Tribal Operations 15%

The monies will assist the Tribe in the provision of administrative services to implement and maintain various activities of the Commission and its Committees.

5. Reinvestment 10%

The Commission, on an annual basis will confirm and assure to the Tribal Council that 10% of the annual accumulated interest of the principal amount is reinvested back into the principal.

6. Land Management 10%

Land Management will include responsibilities of identifying the need and requisite funding for maintenance activities to existing and future tribal properties. All land management maintenance activities shall be presented to the Commission for approval and submitted to the Tribal Council for completion.

7. Cultural Preservation 10%

The Cultural Preservation Committee shall be responsible for conducting the annual Delaware Days and other ongoing activities that promote the understanding and practice of Delaware tribal culture.

VII. A Commissioner may be removed from office for cause by a 2/3 vote of the Tribal Council.

VIII. This document may be amended by a majority vote of the Tribal Council.